

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO**

In Re: Fred Dale Van Winkle,

Debtor.

No. 13-11743-j7

APPLICATION BY TRUSTEE TO EMPLOY COUNSEL FOR THE ESTATE

Clarke C. Coll, the Trustee in the above captioned proceeding, hereby applies to the Court for an Order authorizing him to employ Clarke C. Coll and Coll Bros. Law, LLC, as counsel for the estate. As grounds, he would show the Court the following:

1. That he is the duly qualified and acting trustee in this case.
2. The Trustee needs the services of an attorney and the professional services Clarke C. Coll and Coll Bros. Law, LLC would render in general are:
 - a) Represent and render legal advice regarding all aspects of conducting this bankruptcy case, including without limitation the recovery of assets of the estate, claims objections, adversary proceedings, including but not limited to preferences and/or fraudulent conveyance actions, pursue sell of assets for the benefit of the estate, and represent the trustee in hearings before the Court,
 - b) Prepare any necessary pleadings, motions, answers, applications, orders, reports and other legal papers,
 - c) Review documents and advise the trustee on their legal effect and ensure administrative taxes are paid,
 - d) Work in preserving and/or protecting assets of the estate, and
 - e). Perform legal services necessary or appropriate for the Trustee's administration of the estate and any other legal services the Trustee deems appropriate and attorney agrees to perform.

4. Trustee has selected Clarke C. Coll and Coll Bros. Law, LLC. for the reasons that it will be more efficient and cost effective for the estate for Clarke C. Coll and his firm to represent trustee, as he is also the Trustee.

5. Clarke C. Coll is a member of the firm of Coll Bros. Law, LLC. (Hereinafter “law firm”) and Clarke C. Coll and the law firm will render services as attorney for the Trustee and Clarke C. Coll will render services as Trustee.

6. Employment of Clarke C. Coll and the law firm, is in the best interest of the estate and its economical administration in that if the trustee’s firm were also to serve as attorneys for the estate, there would be no duplication involved, and the estate would be administered more smoothly and efficiently.

7. The Court has the power to authorize said employment pursuant to 11 U.S.C. §327(d), which reads as follows:

The Court may authorize the trustee to act as an attorney or accountant for the estate if such authorization is in the best interest of the estate.

8. Clarke C. Coll and the law firm, have experience in bankruptcy, corporate reorganization and debtor/creditor matters in cases under the Bankruptcy Code.

9. Any fees or compensation in this case will be paid only upon application and approval by the Court.

10. The rates that Clarke C. Coll and the law firm propose to charge is described in the Disclosure of Compensation for Services Rendered under Fed. R. Bankr. P. 2016, attached hereto as Exhibit “A”.

11. To the best of the applicant’s knowledge, Clarke C. Coll and Coll Bros. Law, LLC. have no connection with the debtor, creditors, or any other party in interest, their respective

attorneys and accountants, the United States Trustee or any person employed at the Office of the United States Trustee.

12. The application is also accompanied by a verified statement attached as Exhibit “B” of Clarke C. Coll setting forth his connections with the debtor, creditors, or any other party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the Office of the United States Trustee and those matters set forth in the paragraph above.

13. It is contemplated that applicant will seek compensation based upon normal and usual hourly billing rates. It is further contemplated that the applicant will seek interim compensation as permitted by 11 U.S.C. § 331.

14. The United States Trustee for the District of New Mexico concurs with this motion.

WHEREFORE, Clarke C. Coll requests that he and his law firm be authorized to act as attorneys for the estate with compensation for such legal services to be paid as an administrative expense in such amounts as this Court may hereafter determine and allow.

Respectfully submitted by

Clarke C. Coll/S/Submitted Electronically
Clarke C. Coll
Chapter 7 Trustee
P O Box 2288
Roswell, NM 88202
(575) 623-2288
(575) 627-0122Fax

I hereby certify that on 18th day of June, 2013, I electronically filed with the Court via the CM/ECF system this pleading and all attorneys and parties identified with the court for electronic service on the record in this case were served by electronic service in accordance with the CM/ECF system.

Clarke C. Coll/S/Submitted Electronically
Clarke C. Coll, Chapter 7 Trustee